

# HOUSE BILL 582

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By: **Delegates Rosenberg and Clippinger**  
Introduced and read first time: February 9, 2011  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Electronic Communications – Harassment**

3 FOR the purpose of altering the prohibition against using electronic mail with the  
4 intent to harass to specify the intent to annoy, abuse, torment, or embarrass;  
5 altering the definition of “electronic mail”; and generally relating to harassment  
6 prohibitions.

7 BY repealing and reenacting, without amendments,  
8 Article – Criminal Law  
9 Section 3–804  
10 Annotated Code of Maryland  
11 (2002 Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Law  
14 Section 3–805  
15 Annotated Code of Maryland  
16 (2002 Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 3–804.

21 (a) A person may not use telephone facilities or equipment to make:

22 (1) an anonymous call that is reasonably expected to annoy, abuse,  
23 torment, harass, or embarrass another;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           (2) repeated calls with the intent to annoy, abuse, torment, harass, or  
2 embarrass another; or

3           (3) a comment, request, suggestion, or proposal that is obscene, lewd,  
4 lascivious, filthy, or indecent.

5           (b) A person who violates this section is guilty of a misdemeanor and on  
6 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
7 \$500 or both.

8 3–805.

9           (a) In this section, “electronic mail” means [the] **A POSTING OR**  
10 transmission of information or a communication by the use of a computer [or], other  
11 electronic means, **OR ANY AVAILABLE TECHNOLOGY** that is sent:

12                   **(1)** to a person identified by a unique address and that is received by  
13 the person; **OR**

14                   **(2) WITH A REASONABLE EXPECTATION THAT OTHER PEOPLE**  
15 **WILL RECEIVE THE INFORMATION OR COMMUNICATION ABOUT THE PERSON**  
16 **WITHOUT THE PERSON’S PERMISSION.**

17           (b) A person may not use electronic mail with the intent to harass[:

18                   (1) one or more persons; or

19                   (2) by sending lewd, lascivious, or obscene material], **ANNOY, ABUSE,**  
20 **TORMENT, OR EMBARRASS ONE OR MORE PERSONS.**

21           (c) It is not a violation of this section for any of the following persons to  
22 provide information, facilities, or technical assistance to another who is authorized by  
23 federal or State law to intercept or provide electronic mail or to conduct surveillance of  
24 electronic mail, if a court order directs the person to provide the information, facilities,  
25 or technical assistance:

26                   (1) a provider of electronic mail;

27                   (2) an officer, employee, agent, landlord, or custodian of a provider of  
28 electronic mail; or

29                   (3) a person specified in a court order directing the provision of  
30 information, facilities, or technical assistance to another who is authorized by federal  
31 or State law to intercept or provide electronic mail or to conduct surveillance of  
32 electronic mail.

1           (d)    This section does not apply to a peaceable activity intended to express a  
2 political view or provide information to others.

3           (e)    A person who violates this section is guilty of a misdemeanor and on  
4 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500  
5 or both.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2011.